

**MINUTES OF THE
NORTH CAROLINA CODE OFFICIALS QUALIFICATION BOARD**

July 25, 2017

The quarterly meeting of the NC Code Officials Qualification Board was held at 1:00 P.M. on Tuesday, July 25, 2017 in the Albemarle Building Training Room 240 at 325 N Salisbury St, Raleigh, NC 27603.

The following members of the NC Code Officials Qualification Board were present:

Bill Thunberg	Mack Summey	Richard Morris	Richard Ducker
Ken Stafford	Dan Brummitt	Ray Rice	James Steele
Chris Raynor	Jerry Myers	Brenda Lyerly	Jeff Griffin
Allen Kelly	Cliff Isaac		

Members absent:

Taher Abu-Lebdeh	Andy Matthews	Mark Smith	Reo Griffith
	Stephen Terry		

Others in attendance were as follows:

<u>Name</u>	<u>Affiliation</u>	<u>Location</u>
Mike Hejduk	Department of Insurance	Raleigh, NC
Kathy Williams	Department of Insurance	Raleigh, NC
Terri Tart	Department of Insurance	Raleigh, NC
Jessica Yelverton	Department of Insurance	Raleigh, NC
Sam Whittington	Department of Insurance	Raleigh, NC
Andy Miller	Department of Insurance	Raleigh, NC
Terence Friedman for Bobby Croom	Department of Justice	Raleigh, NC
Colin Triming	Charlotte Fire Department	Charlotte, NC
Charles Johnson	City of Raleigh Inspections	Raleigh, NC
James Griffin	Forsyth County Fire Dept.	Winston-Salem, NC
Don Sheffield	City of Greensboro Inspections	Greensboro, NC
Pat Rose	City of Greensboro Inspections	Greensboro, NC
Patrick Granson	Mecklenburg County Inspections	Charlotte, NC
Robert Privette	NC Building Inspection Association	Raleigh, NC
Joseph Causey	NCCOQB Standard Course Instructor	Shallotte, NC
Ken Keplar	Wake County Inspections	Raleigh, NC
James Frawley	Wake Technical Community College	Raleigh, NC

Preliminary Matters

Chairman Bill Thunberg convened the meeting and welcomed guests.

Item 1.A.: Roll Call/Conflict of Interest Reminder

Chairman Thunberg asked each member of the Board to introduce themselves for the roll call and asked each member of the Board to state whether they had actual or potential conflicts of interest for any items on the agenda.

James Steele noted a potential conflict of interest for investigation case 471 involving inspector Tommy Garriss. Ken Stafford made a motion to accept the recusal and was seconded by Ray Rice. The motion was voted on and approved unanimously. There were no further comments on potential conflicts of interest.

The State Ethics Commission has cited the potential for a conflict of interest for members of the Board who are serving in the following appointments.

- Code officials, because they serve on the Board that certifies them.
- Elected officials, because local government entities employ code officials.
- Licensed contractors, because their companies regularly work with code officials.
- UNC School of Government, because the school provides educational services for code officials who are subject to the jurisdiction of the Board.

Board members should exercise appropriate caution in the performance of their public duties should issues involving their certifications or that of any of their employees come before the Board. This would include recusing themselves to the extent that their interests would influence or could reasonably appear to influence their actions.

Item 2: Approval of Minutes

April 25, 2017 Minutes

Allen Kelly made a motion to approve the minutes of the April 25, 2017 regular quarterly Board meeting. Ray Rice seconded the motion. The motion was voted on and approved unanimously.

June 30, 2017 Minutes

Richard Ducker made a motion to approve the minutes of the June 30, 2017 special Board meeting. Chris Raynor seconded the motion. The motion was voted on and approved unanimously.

Item 3: Approval of New Standard Certificate Holders

Ken Stafford made a motion that the Board issue Standard Inspection Certificates to those applicants presented to the Board who have met the education, experience, and examination requirements. Jeff Griffin seconded the motion. The motion was voted on and approved unanimously.

Item 4: Recognition of Fifth Level III Standard Inspection Certificate

Chairman Thunberg reported there no fifth Level III certificates administered this quarter.

Item 5: Public Comment/ Stakeholder Presentations

Chairman Thunberg asked if there were any public comments to be made in front of the board. There were no comments.

Item 6: Committee Reports:

Executive Committee:

Bill Thunberg stated that the committee has not met and had no report.

Policies and Procedures Committee:

Ken Stafford stated the committee has not met and had no report.

Education and Research Committee:

Chris Raynor stated that the committee has not met and had no report.

Qualification and Evaluation Committee:

Ray Rice stated that the committee had met to review five applications and approved four.

Item 7: Unfinished Business:

Mike Hejduk stated that the proposed changes were posted on the Office of Administrative Hearings website until May 3, 2017 and that there have been no comments submitted. The next step is to analyze each of the 4 proposed changes to determine if their nature is of substantive public interest. The board's decision based on the comments received is due by October 17, 2017. *11 NCAC 08. 0602 Nature of Probationary Certificate* was addressed which would increase the duration from 2 years, which is written in the rules, to 3 years, which is the maximum time allotted in the General Statute. A motion was made by Chris Raynor to accept the determination that the rule change is necessary with of substantive public interest. Ray Rice seconded and the board voted unanimously to accept the recommendation. It was decided that the extension would only encompass those holding an active probationary certificate at the time the rule is enacted. *11 NCAC 08 .0707 Special Circumstances* was addressed which allows individuals to be exempt from taking the state exam in their particular trade. This is an occurrence where the rule is more restrictive than the General Statute. A motion was made by Richard Ducker to accept the determination that the rule change is necessary without substantive public interest. Allen Kelly seconded and the board voted unanimously to accept the recommendation. *11 NCAC 08 .0708 Certificate* was addressed which would allow staff to issue standard certificates without waiting for board approval. A motion was made by Ken Stafford to accept the determination that the rule change is necessary with of substantive public interest. Ray Rice seconded and the board voted unanimously to accept the recommendation. *11 NCAC 08 .0714 Inactive Code Enforcement Officials* was addressed which determines the amount of reactivation CE that an inspector is assigned when re-entering the inspection field. A motion was made by Ken Stafford to accept the determination that the rule change is necessary with of substantive public interest. Jeff Griffin seconded and the board voted unanimously to accept the recommendation. A motion was made by Brenda Lyerly that all other rules are to be maintained and labeled as necessary without substantive public interest. Richard Ducker seconded and the board voted unanimously to accept the recommendation.

Item 8: Staff Reports

Director

Mike Hejduk noted how the standard course information is only detailed in the guidelines and that the requirements for standard courses can be embedded into the current Continuing Education rules. Hejduk discussed his proposed 5-year plan for the education portion of the program. Hejduk noted that the number of standard courses has increased by 60% over the last 5 years to keep up with demand. Based on statistics gathered, Hejduk discussed the amount of travel an average CEO can incur attending standard level courses and the amount of costs incurred by the jurisdiction. In the 2017-2018 fiscal year, QAS staff will implement the proposed rule changes for Probationary duration and standard certificate issuance. All 15 standard courses and exams will be updated from 2012 to 2018 code. NCDOI Moodle will be introduced as a source for elective continuing education, linked directly to the individual CEO profile. There is a hope for the NC Community College System to create a Memorandum of Understanding (MOU) to coordinate the scheduling of standard courses. There is also the possibility of legislative changes to allow Authorities having Jurisdictions serving populations over 200,000 to become a delivery agency for the standard course. There are also the possibilities of non-profit entities like the various NC trade associations or for profit private entities to deliver courses, all depending on how the rule could be changed though it appears the NC Community Colleges have been meeting the need. In the fiscal year 2018-2019 the PSI services LLC exam administration contract will end in June. The construction of a separate NC Law and Administration state exam for the purpose for comity and for reactivation credits. An outline can also be

created to align the current NC levels across all trades with ICC levels of Residential, Commercial and Plan Review. All proposed advancements would need extensive meetings among various committees to review rules and construct a working plan to reach each milestone. Mike Hejduk and Bill Thunberg will create a 'Steering Committee' to analyze all plans for the next five years for the program and decide which committees will work on various sections of the undertaken projects.

Certification

Terri Tart noted the following quarterly increases: 25% for new probationary certificate applications; 75% for standard applications; and 20% for pre-qualification applications. Tart attributed the influx of standard applications to an increase in hiring across the state and the increase in prequalification applications to jurisdictions tending to require applicants to complete pre-employment screening at the time of interviewing. The following data was found when comparing the 2015-2016 and 2016-2017 fiscal years: 6% decrease in probationary certificates; 56% increase in standard applications; and 6% decrease in prequalification applications. Tart stated 5,080 standard certificates were renewed by 6/30/2017 which is 79% of all active renewable certificates. As of the board meeting, 90% of all renewable certificates had been renewed.

Examination

Kathy Williams noted that the passing rates for Building, Fire and Electrical level 1 remain low. Half of the 52 exam reviews for failed attempts were challenged (28) and 1 resulted in a status change. Williams noted that the number of exam reviews were particularly high this quarter. There was a 22% increase in the number of exams given between 2016 and 2017 with the largest increase in the electrical trade. Comparing the previous year, Building level 1 and 3 and Electrical level 3 all had an increase in their passing rates while Building level 2 and Electrical levels 1 and 2 all had a decrease in their passing rates. The number of exams administered have increased 22% from the first quarter of the fiscal year, a trend that Williams attributed to an increase in construction activity which requires the hiring of new inspectors to meet demand. PSI has administered a total of 2,642 exams for the Code Officials Qualification Board as of July 13, 2017 and based on the exam fee, has collected \$300,250.00. There were 2 complaints concerning the exam process. One was the amount of wait time a candidate experienced when trying to schedule an exam. Though the initial scheduler did not return his call, the client manager had a different scheduler contact the complainant. The second complaint involved issues checking in due to tabs in which the candidate was required to staple the inserts into each tab so that they could not be removed. Williams has contacted PSI for clarification.

Education

Jessica Yelverton noted the general statistics for the last quarter and the standard and continuing education courses she had audited across the state since May. Yelverton presented trends on standard course sponsoring community colleges and noted the 7 colleges that offer the most courses each year and the absence of a presence in the coastal region. There has been a marked decline of cancelled courses due to the communication lines open among the community colleges since the regional meetings held at the beginning of the year. There has also been an increase in the passing level percentages of Build, Electrical and Fire level 1 classes, although there is still a low passing rate in the exam. Yelverton inferred that this could indicate a lack of alignment with content covered in standard courses and content addressed in the state exam. Yelverton also noted the high number of CE courses created each fiscal year and the total number of hours with 133 CE courses added in 2015, 181 CE courses added in 2016 and 200 CE courses added in 2017. Yelverton noted that it requires a good portion of work time for staff to review and approve the courses and that there might need to be discussions on changes to the requirements, longevity and submission process of the continuing education courses. Standard course instructors will arrive the week of October 30 to review and update all standard course content in accordance with the 2018 Code Cycle. Yelverton will then organize and reformat for the standard course presentations and update all trade and level student worksheets and modules. Yelverton also plans to aide in the addition of free online CE for plumbing and mechanical trades.

Investigations

Sam Whittington stated that case #457, CEO Glen Batten was due for an administrative hearing scheduled for that morning of the 24th, but was canceled when Batten turned in his certificates satisfying the terms of his VSA and negated the need for the hearing.

Whittington presented case #469 involving Joe Carter of the Guilford County Building Inspections. Mr. Carter failed a building on an insulation inspection which it passed seven days later. Staff discovered that Mr. Carter used calculations from a section of the energy code that contained a typo to which he did not have the corrected copy. Whittington stated that there was insufficient evidence to justify a hearing to determine whether Mr. Carter was guilty of willful misconduct and recommended a finding of no basis. A motion was made by Allen Kelly to accept the no basis determination and Ray Rice seconded. The board voted unanimously to accept the recommendation.

Andy Miller presented case #467 involving Gary Lance of the Henderson County Inspections Department and Alison Sadler. Complainant Sadler expressed concerns about the structural integrity of her home and the possibility of an inadequate column. The residence in question is a single-story wood-framed house that was partially demolished and rebuilt. NCDOT Existing Building Code Consultant Melanie Butler could analyze photographs of the work done and determined that replacing the majority of the structure of an existing building is beyond the scope of repair and therefore should comply with the current Residential code. The investigators found: floor joists with notches more than code allowances, untreated wood and ripped girders and joists throughout the crawlspace. Mr. Lance performed the footing, foundation, mechanical rough-in, electrical rough-in, framing and final inspections and passed all with no violations noted. Miller stated that there was basis to justify a hearing that Mr. Lance violated NC General Statute §143-151.17(a) and that Mr. Lance has since retired and surrendered his inspection certificates. A motion was made by Jeff Griffin to accept the investigation report and the surrender of the inspection certificates as a resolution to the matter and Allen Kelly seconded. The board voted unanimously to accept the recommendation.

Miller presented case #468 involving William Marr and Kevin Seagle of the Swain County Inspections Department and David Shepler. Complainant Shepler alleges that the inspectors continued to grant building permits to Kevin and Russell McPherson who are non-licensed General Contractors that are in violation of N.C.G.S. §87-1(b)(2) which allows an owner, with no General Contractor's license, to build a house costing more than \$30,000 for his personal use on property he owns if he then occupies the property for 12 consecutive months. It was determined that permits for two properties were provided when the requirements of such were met on the application and a permit on a third property was revised, as required, to include the basement which increased the overall square footage. It was also verified that Kevin McPherson was present on inspections his signature appeared and that the permit issued for the fourth property for electrical work was also in accordance as the mechanical and plumbing work performed did not require a permit. It was noted that there is an injunction against Russell McPherson at the Wake County courthouse and the existence of a consent order between McPherson and the NC Licensing Board for General Contractors in which he agrees to not act as a General Contractor until he is properly licensed to do so. Miller stated that there was insufficient evidence to justify a hearing to determine whether Mr. Marr nor Mr. Seagle were guilty of willful misconduct and recommended a finding of no basis. A motion was made by Ray Rice to accept the no basis determination and Ken Stafford seconded. The board voted unanimously to accept the recommendation.

Miller presented case #471 involving Thomas Garriss and Scott Henry of the Pender County Inspections Department and Dr Catherine Newkirk. Complainant Newkirk alleges that inspector Henry required the addition of a step to the entrance and the anchor system of storage building be exposed for inspection so the structure could be approved by the department. Miller determined that both requirements were compliant with the code based on the dimensions of the structure. Newkirk stated that the inspector requested GFI protection for the structure but the inspector reviewed the code and reassessed his initial determination and removed the request. Garriss requested that an electrical outlet located by the kitchen sink be moved, which is compliant with code

requirements and Garriss required an electrical outlet be installed on a new back deck, which is also code compliant. Miller stated that there was insufficient evidence to justify a hearing to determine whether Mr. Garriss or Mr. Henry were guilty of willful misconduct and recommended a finding of no basis. A motion was made by Ray Rice to accept the no basis determination and Jeff Griffin seconded. The board voted unanimously to accept the recommendation.

Item 9: New Business

No new business was discussed.

Item 10: Annual Election of Chairman and Officers

Ray Rice nominated Bill Thunberg as Chairman and was seconded by Brenda Lyerly. With no other members nominated, Bill Thunberg called a vote and was re-elected as Board Chairman. Brenda Lyerly nominated Ken Stafford as Vice-Chairman and was seconded by Ray Rice. With no other members nominated, Chairman Thunberg called a vote and Ken Stanford was re-elected as Vice-Chairman. Ken Stafford nominated Cliff Isaac to be Secretary and was seconded by Brenda Lyerly. With no other members nominated, Chairman Thunberg called a vote and Cliff Isaac was elected as Secretary.

Committee Chairs will be voted on at the next board meeting.

Adjournment

There being no further business, Chris Raynor made a motion to adjourn the meeting. Ray Rice seconded the motion. The motion was approved unanimously.

Respectfully submitted,

A handwritten signature in black ink that reads "Cliff Isaac". The signature is written in a cursive, slightly slanted style.

Cliff Isaac,
Secretary, NC Code Officials Qualification Board